

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DAVID DUVALL,)
Plaintiff,)
v.) Civil Action No. 3:19-cv-624-DSC
NOVANT HEALTH, INC.,)
Defendant.)

)

EXHIBIT D

TO

**MEMORANDUM IN SUPPORT OF DEFENDANT NOVANT HEALTH, INC.'S
MOTION FOR SANCTIONS**

Declaration of Letitia Smith

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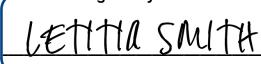
I, Letitia Smith, pursuant to 28 U.S.C. §1746, hereby declare, under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information, and belief:

1. I am currently employed by Novant Health (“Novant Health”) as Business Partner, Human Resources/People and Culture. I have held this position since March, 2021 when I joined Novant Health.
2. In my role, I currently support the Digital Products and Services Business Line and in response to an email dated August 31, 2021, I connected with D. Kate Forbes on September 1, 2021.
3. The meeting with Ms. Forbes was held at 9:00am on September 1, 2021 via zoom. I had received a zoom invite from Ms. Forbes earlier that morning, which is attached as **Exhibit 1**. During the zoom call, we discussed the previous conversations that Ms. Forbes had with Andrea Hauser in Human Resources/People and Culture and I requested that Ms. Forbes provide the business case for the job elimination. During that conversation, Ms. Forbes explained that the job elimination of Mr. Krebs’ position would accommodate two new positions in lower-level roles. Ms. Forbes also indicated that she would like the termination meeting to occur that same week because she was starting vacation the following week for two weeks, and she stated she wanted to move forward with the termination before she left on vacation.
4. Immediately following that conversation with Ms. Forbes, I sent an email to Teresa York, a Sr. Compensation Analyst at Novant Health, to assist with the termination and related severance paperwork for Mr. Krebs. That email correspondence is attached as **Exhibit 2**.
5. Ms. Forbes and I spoke to Mr. Krebs in the afternoon of September 2, 2021, and Ms. Forbes informed him that his position had been eliminated. Ms. Forbes then exited the call and I stayed on to review the severance documents with Mr. Krebs.
6. At the time of moving forward with Mr. Krebs’ termination, I was not aware of any subpoenas relating to the Duvall lawsuit, whether related to Mr. Krebs or anyone else. I had no discussions with anyone relating in any way to Mr. Duvall or the Duvall lawsuit before assisting with the termination of Mr. Krebs’ employment. I only learned that the Duvall lawsuit even existed on September 13, 2021.
7. Prior to moving forward with Mr. Krebs’ termination, I did not have any discussions with Mindy Staley at Novant Health, anyone else in the Novant Health legal department, or Benjamin Holland at Ogletree Deakins regarding Mr. Krebs or the Duvall lawsuit, and Ms. Staley and Mr. Holland had no input on the decision to end Mr. Krebs’ employment.

[Signature Following Page]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15 day of September, 2021

DocuSigned by:

9EE65FD44B0946E...

From: Forbes, Denise K <[REDACTED]>
Sent: Wednesday, September 1, 2021 8:10 AM
To: Forbes, Denise K; Forbes, Denise K; Smith, Letitia A
Subject: Touchbase on team member
When: Wednesday, September 1, 2021 9:00 AM-9:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where:
<https://novanhealth.zoom.us/j/91354172057?pwd=TXdVR09VeUV1NE9WV3RqeENKK1pQZz09&from=addon>

Join:

<https://novanhealth.zoom.us/j/91354172057?pwd=TXdVR09VeUV1NE9WV3RqeENKK1pQZz09&from=addon>

Password: [REDACTED]

Smartphone one-tap:

US: [REDACTED]

Telephone

US: [REDACTED]

Meeting ID: 913 5417 2057

Password: [REDACTED]

H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 913 5417 2057

Password: [REDACTED]

SIP: 91354172057@zoomcrc.com

Password: [REDACTED]

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From: York, Teresa S. <[REDACTED]>
Sent: Wednesday, September 1, 2021 9:59 AM
To: Smith, Letitia A <[REDACTED]>
Subject: RE: severance request

Yes I can get it to you today

Teresa York
Sr Compensation Analyst
Novant Health People & Culture
o: [REDACTED]

Stop the Spread. Start the Healing.
Register Now for Your COVID-19 Vaccine.

SCHEDULE A VACCINE

From: Smith, Letitia A <[REDACTED]>
Sent: Wednesday, September 1, 2021 9:59 AM
To: York, Teresa S. <[REDACTED]>
Subject: severance request

Hi Teresa, sorry this is at the last minute. I have a leader who will be out for the next 2 weeks and would like to do a displacement by Friday. Would that work for you?

Letitia Smith
Business Partner
Novant Health People & Culture
o: [REDACTED]

Stop the Spread. Start the Healing.
Register Now for Your COVID-19 Vaccine.

SCHEDULE A VACCINE

You can also reach out to the HR Service Center via email at AskHr@novanhealth.org or call 800-890-5420 to speak with a Human Resources team member.

HR Connect is now available! Your 24/7, on-demand HR Resource. You can find this new tool under Team member Resources on the I-Connect Home Page.

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